

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

FILED/ACCEPTED  
SEP 26 2008  
Federal Communications Commission  
Office of the Secretary

In the Matter of

Federal-State Joint Board on Universal Service

Centennial Communications Corp.

Petition for Waiver of Section 54.809 of the  
Commission's Rules

WC

08-71

~~CC~~ Docket No. 96-45

**WAIVER – EXPEDITED ACTION REQUESTED**

**CENTENNIAL COMMUNICATIONS CORP.  
REQUEST FOR RELIEF OR WAIVER OF SECTION 54.809  
OF THE COMMISSION'S RULES**

Centennial Communications Corp. ("Centennial"),<sup>1</sup> pursuant to Sections 1.3 and 1.925 of the Commission's rules,<sup>2</sup> respectfully requests that the Commission find that Centennial's certification filed under Section 54.809 of its rules was timely filed, or otherwise waive on an expedited basis the September 30, 2005, June 30, 2006 and June 30, 2007 filing deadlines set forth in Section 54.809 of the Commission's rules, 47 C.F.R. § 54.809. Approval of this request will allow Centennial to receive interstate access universal service support ("IAS") in the state of Louisiana beginning as of the fourth quarter of 2005.

<sup>1</sup> This request for a waiver is made on behalf of the following Centennial subsidiaries: Centennial Beauregard Cellular LLC, Centennial Caldwell Cellular Corp., Centennial Hammond Cellular LLC, Centennial Morehouse Cellular LLC, and Centennial Lafayette Communications LLC.

<sup>2</sup> See 47 C.F.R. §§ 1.3; 1.925.

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## BACKGROUND

With the help of the high cost programs, Centennial has made significant investment in rural Louisiana, including bringing telephone service to remote areas that had never had telephone service of any kind. By granting Centennial's request for retroactive payment of IAS, the company can continue to improve the reliability of its service in all areas of Louisiana. As demonstrated first by Hurricanes Katrina and Rita, and most recently by Hurricanes Gustav and Ike, network redundancy and robustness are critical factors for service in the Gulf region. With access to the IAS funds, Centennial can continue to strengthen its network and expand service throughout its markets.

Centennial was designated an eligible telecommunications carrier ("ETC") by the Louisiana Public Service Commission ("LPSC" or "Louisiana Commission"), effective January 14, 2004.<sup>3</sup> In its ETC designation petition, Centennial asked the LPSC to find it eligible for all high cost programs available within its service territory. Although the ETC Designation Order acknowledged Centennial's request to serve some non-rural areas and in no way implied that it was limiting the types of funding available to Centennial, the overwhelming majority of the discussion in the order surrounded the rural areas involved. Moreover, the ordering clause only characterized the areas being approved as "rural high-cost areas" in Louisiana.<sup>4</sup> For this reason, Centennial failed to file line counts and the supporting 54,809 certifications following its designation. These line counts and certifications would only have been due with respect to non-rural areas because only

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<sup>3</sup> *In Re Application for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act of 1934 for the Purposes of Receiving Federal Universal Service Support in Louisiana (On Reconsideration)*, Order No. U-27174-A (LA PSC May 21, 2004) ("ETC Designation Order"), a copy of which is provided at Attachment 1.

<sup>4</sup> *Id.* at Ordering clause 2.

those areas are eligible for IAS funding. When Centennial realized the oversight, it went back to the Louisiana Commission to seek clarification of the order. The LPSC agreed that the ETC Designation Order should have been clearer with respect to funding for non-rural areas and clarified this in a letter to the Commission dated December 19, 2007.<sup>5</sup>

Centennial has now filed retroactive line counts back to the third quarter of 2005, as is permitted under the policy of the Universal Service Administrative Company ("USAC"). Unfortunately, although USAC accepted Centennial's line counts, it refused to accept Centennial's 54.508 certification, making it impossible for Centennial to receive funding retroactive to its ETC designation date.<sup>6</sup> This certification is a simple form that confirms on an annual basis that the carrier will use IAS only for the provision, maintenance and upgrading of facilities and services for which the support is intended. USAC has taken the position that Centennial's certification should have been submitted as of the date its initial IAS line counts would have been due back in 2004.

Given the misunderstanding that surrounded the scope of Centennial's IAS eligibility, neither the Section 54.809 certifications nor the required line counts were filed in the customary manner. Having had its IAS eligibility subsequently clarified and having filed its line counts, Centennial now seeks to finalize the process and file the associated certifications retroactively to the third quarter of 2005 in order to receive the funding the Louisiana Commission had always intended to grant. To do this, Centennial respectfully

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<sup>5</sup> Letter from Lawrence C. St. Blanc, LPSC Executive Secretary, to Marlene H. Dortch, FCC Secretary (Dec. 19, 2007) a copy of which is provided at Attachment 2.

<sup>6</sup> IAS Certification attached to Letter from William L. Roughton, Jr., Centennial Communications to Karen Majcher, USAC (Feb. 4, 2008) (erroneously dated 2007; the Commission's date stamp clarifies that the letter was filed in February of 2008), a copy of which is provided at Attachment 3.

requests that the Commission find that Centennial has not missed the 54.809 certification deadline, or otherwise waive the deadlines set forth above.

### **REQUEST FOR RELIEF OR WAIVER**

Section 54.809(c) of the Commission's rules, 47 C.F.R. § 54.809(c), provides that a carrier must file its IAS certifications "on the date that it first files its line counts pursuant to §54.802, and thereafter on June 30 of each year." In light of the fact that USAC accepted Centennial's line counts for the relevant period (filed in early 2008) as being sufficient for purposes of Section 54.802 (47 C.F.R. § 54.802), under a plain reading of Section 54.809(c), therefore, Centennial's certification would have been due at the same time—not 2004. Moreover, it is simply illogical for USAC to accept the line count data, but then not permit Centennial to certify that it will use all funding based on that data only for the purposes foreseen in the Commission's rules.

Even if the Commission disagrees with Centennial's technical reading of the rules, public policy and fairness support a waiver of the rules in this instance. Section 1.3 of the Commission's rules provides the Commission with discretion to waive application of any of its rules upon a showing of good cause. In addition, Section 1.925(b)(3) provides for waiver where it is shown that:

- (i) The underlying purpose of the rule(s) would not served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or

- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.<sup>7</sup>

Federal courts also have recognized that “a waiver is appropriate only if special circumstances warrant a deviation from the general rule and such a deviation would serve the public interest.”<sup>8</sup> Accordingly, the Commission “may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest.”<sup>9</sup>

The Commission established the annual certification mechanism in Section 54.809 to ensure that any funds would be properly spent. The timetable in Section 54.809 was certainly not intended to interfere with a state commission’s substantive determination of the appropriate effective date of an ETC designation, or create a “gotcha” situation where the carrier can submit retroactive line counts under USAC policy but is then nevertheless denied funding because it is not permitted to promise to follow the Commission’s rules. The misunderstanding in the LPSC’s ETC Designation Order was an unintended oversight that the state commission has now rectified. The circumstances were such, however, that Centennial could not have met the normal certification deadline to receive IAS support. Receipt of such support is, however, was intended by the LPSC as its letter of December 19, 2007 to the Commission makes clear.

Centennial understands that the Wireline Competition Bureau may not be in a position to immediately grant a waiver for the older portions of the retroactive period without further consultation with others in the Commission. In this regard, Centennial re-

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<sup>7</sup> 47 C. F. R. §1.925(b)(3).

<sup>8</sup> *Northwest Cellular Telephone Co. v. FCC*, 897 F. 2d 1164, 1166 (D.C. Cir. 1990); *see also WAIT Radio v. FCC*, 418 F. 2d 1153, 1157 (D.C. Cir 1969), *cert. denied*, 409 U.S. 1027 (1972).

<sup>9</sup> *Northeast Cellular Telephone Co.*, 897 F. 2d at 1166 (citing *WAIT Radio*, 418 F. 2d at 1159).

quests that the waiver be considered in two parts: the first part seeks a waiver of the certification requirement so that Centennial is deemed eligible to receive IAS support for the first and second quarters of 2008. The second part of the waiver seeks to make Centennial eligible to receive IAS support beginning with the fourth quarter of 2005 through the last quarter of 2007.

For the foregoing reasons, granting a waiver of the certification deadline set forth in section 54.809 of the rules will allow Centennial to receive IAS support at the very least beginning first as of January 1, 2008, and hopefully back to October 1, 2005, the date on which funding would have first been available had there not been the clerical error in the granting clauses of the LPSC Designation Order. Granting this waiver would be consistent with the Commission's statutory goal of preserving and advancing universal service, and is in the public interest.

### **REQUEST FOR EXPEDITED TREATMENT**

Centennial urgently requests expedited treatment of this waiver request. Louisiana consumers and Centennial should not be deprived of substantial universal service support as a result of imprecise drafting of the LPSC's ETC Designation Order. Denying Centennial support for retroactive IAS payments under these circumstances is contrary to the statutory goal of promoting the availability of universal service to consumers in high-cost areas.

Indeed, failure to grant a waiver in this instance would be particularly harsh given the currently pressing need for reliable emergency telecommunications infrastructure in the Gulf region. In connection with its ETC designation, Centennial has made commit-

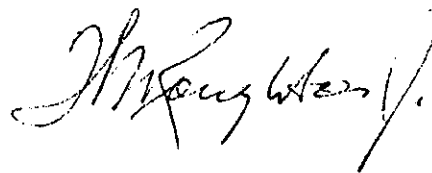
ments to extend its wireless network to poorly served and unserved areas in the state that would otherwise make no economic sense to serve. Only the receipt of universal service funds makes it viable for Centennial to undertake these improvements to extend and make improvements to its network.

### CONCLUSION

For the reasons stated herein, Centennial respectfully requests that the Commission find that Centennial's February 2008 certification was timely filed under Section 54.809, or pursuant to Sections 1.3 and 1.925 of the FCC's rules, the Commission waive the Section 54.809 deadlines for the September 30, 2005, June 30, 2006 and June 30, 2007 certifications. With respect to its waiver request, Centennial seeks (1) a waiver to permit it to receive retroactive IAS funds for the first and second quarters of 2008 and (2) a further waiver to permit it to receive retroactive payments beginning October 1, 2005 through the end of 2007. In light of the unique factual setting of this request – specifically, the lack of clarity in the LPSC's designation of Centennial as an ETC– Centennial also seeks expedited consideration of its waiver request.

Respectfully submitted,

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September 18, 2008



## ATTACHMENT 1

# LOUISIANA PUBLIC SERVICE COMMISSION

ORDER NO. U-27174

CENTENNIAL LAFAYETTE COMMUNICATIONS, LLC,  
CENTENNIAL BEAUREGARD CELLULAR, LLC,  
CENTENNIAL HAMMOND CELLULAR, LLC,  
CENTENNIAL CALDWELL CELLULAR CORP. AND  
CENTENNIAL MOREHOUSE CELLULAR, LLC,  
EX PARTE.

Docket: No. U-27174. In re: Application for designation as an eligible telecommunications carrier pursuant to Section 214(e)(6) of the Communications Act of 1934 for the purposes of receiving federal universal service support in Louisiana. (On Reconsideration)

(Amends and Supersedes Order U-27174)

(Decided at the May 12, 2004 Business and Executive Session.)

## *Nature of the Case*

Centennial Lafayette Communications, LLC, Centennial Beauregard Cellular, LLC, Centennial Hammond Cellular, LLC, Centennial Caldwell Cellular Corp. and Centennial Morehouse Cellular, LLC ("Centennial") seek to be designated eligible telecommunications carriers ("ETCs") pursuant to 47 U.S.C. § 214(e)(2) throughout Centennial's service area for purposes of receiving federal universal service support and high cost certification in Louisiana.<sup>1</sup> 47 U.S.C. § 214(e)(2) provides that the Louisiana Public Service Commission ("Commission"), may, upon request and consistent with the public interest, convenience, and necessity, designate more than one common carrier as an ETC for a service area designated by the state commission, so long as the carrier meets the requirements of 47 U.S.C. § 214(e)(1). Centennial requests that the Commission exercise its authority and designate each Centennial subsidiary as an ETC so that those subsidiaries are eligible to receive federal high cost and low-income universal service support.

## *Jurisdiction and Applicable Law*

The Commission exercises jurisdiction over public utilities in Louisiana pursuant to the Louisiana Constitution Article IV, Section 21(B), which states:

The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provide by law.

Pursuant to the above authority, the Commission adopted the Regulations for Competition in the Local Telecommunications Market, as most recently amended in Appendix B to the General Order dated July 24, 2002. As defined therein in Section 101,

(6) Commercial Mobile Radio Service (CMRS) – a mobile service that is: (a)(1) provided for profit, i.e., with the intent of receiving compensation or monetary gain; (2) an interconnected service; and (3) available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public; or (b) the functional equivalent of such a mobile service described in paragraph (a) of this definition. 47 CFR § 20.3, as amended. CMRS includes "Radio Common Carriers: as that term is defined and used in La. R.S. § 45:1500 *et seq.*

<sup>1</sup> The application was erroneously filed under § 214(e)(6), which governs applications filed with the Federal Communications Commission seeking ETC status.

(7) Commercial Mobile Radio Service Provider - any person or entity engaged in the provision of a service that is a commercial mobile radio service. CMRS provider includes "Radio Common Carriers: as that term is defined and used in La. R.S. § 45:1500 *et seq.*

Pursuant to constitutional and statutory provisions, the Commission is given broad power to regulate telephone utilities and may adopt all reasonable and just rules, regulations, and orders affecting or connected with the service or operation of such business.<sup>2</sup> As stated previously, 47 U.S.C. § 214(e)(2) grants the power to the state commissions to designate a common carrier that meets the requirements of 47 U.S.C. § 214(e)(1) as an ETC for a service area specified by the commission.

Additionally, the Commission sets forth the filing requirements for CMRS providers in Section 401.B, which states,

Providers of CMRS and providers of PMRS shall file tariffs, which identify and describe the rates, terms and conditions of services offered and provided in Louisiana. Such tariff filings shall be reviewed by the Commission consistent with the mandates of the Omnibus Budget Reconciliation Act of 1993 as codified at 47 U.S.C.A. § 332, as amended. However, to ensure the universal availability of telecommunications services to Louisiana consumers at affordable rates, providers of CMRS or PMRS, where such services have become or are a substitute for land line telephone exchange service for a substantial portion of the communications within the State, shall be required to abide by and comply with these tariff filing requirements.

The Commission has generally excluded CMRS from any additional regulatory or reporting requirements.

#### 47 USC § 214(e) Provision of Universal Service

(1) Eligible telecommunications carriers - A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with section 254 of this title and shall, throughout the service area for which the designation is received—

(A) offer the services that are supported by federal universal service support mechanisms under section 254(c) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefor using media of general distribution.

(2) Designation of eligible telecommunications carriers - A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible

<sup>2</sup> *South Central Bell Tel. Co. v. Louisiana Public Service Commission*, 352 So.2d 999, Supp. 1977.

telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

47 C.F.R. § 54.101 Supported Services for Rural, Insular and High-Cost Areas

- (a) Services designated for support. The following services or functionalities shall be supported by federal universal service support mechanisms:
- (1) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz;
  - (2) Local usage. "Local usage" means an amount of minutes of use of exchange service, prescribed by the Commission, provided free of charge to end users;
  - (3) Dual tone multi-frequency signaling or its functional equivalent. "Dual tone multi-frequency" (DTMF) is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time;
  - (4) Single-party service or its functional equivalent. "Single-party service" is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user's particular transmission;
  - (5) Access to emergency services. "Access to emergency services" includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code "911," to call emergency services through a Public Service Access Point (PSAP) operated by the local government. "Enhanced 911" is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems;
  - (6) Access to operator services. "Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;

- (7) Access to interexchange service. "Access to interexchange service" is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network;
  - (8) Access to directory assistance. "Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and
  - (9) Toll limitation for qualifying low-income consumers. Toll limitation for qualifying low-income consumers is described in subpart E of this part.
- (b) Requirement to offer all designated services. An eligible telecommunications carrier must offer each of the services set forth in paragraph (a) of this section in order to receive federal universal service support.
  - (c) Additional time to complete network upgrades. A state commission may grant the petition of a telecommunications carrier that is otherwise eligible to receive universal service support under Sec. 54.201 requesting additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation. If such petition is granted, the otherwise eligible telecommunications carrier will be permitted to receive universal service support for the duration of the period designated by the state commission. State commissions should grant such a request only upon a finding that exceptional circumstances prevent an otherwise eligible telecommunications carrier from providing single-party service, access to enhanced 911 service, or toll limitation. The period should extend only as long as the relevant state commission finds that exceptional circumstances exist and should not extend beyond the time that the state commission deems necessary for that eligible telecommunications carrier to complete network upgrades. An otherwise eligible telecommunications carrier that is incapable of offering one or more of these three specific universal services must demonstrate to the state commission that exceptional circumstances exist with respect to each service for which the carrier desires a grant of additional time to complete network upgrades.

#### ***Background and Procedural History***

Centennial filed an application with the Commission on February 19, 2003 seeking designation as an ETC pursuant to § 214(e)(2) of the Communications Act of 1934 for the purposes of receiving federal universal service support in Louisiana.<sup>3</sup> Notice of the application was published in the Commission's Official Bulletin dated February 28, 2003.

Timely interventions were filed by the following: The Small Company Committee ("SCC"); AllTel Communications Wireless, Inc.; Radiofone, Inc.; Lafourche Telephone Company, LLC; EATEL; Elizabeth Telephone Company; Cameron Telephone Company; CenturyTel of Northwest Louisiana, Inc.; CenturyTel of Central Louisiana, LLC; CenturyTel of Ringgold, LLC; CenturyTel of Southeast Louisiana, Inc.; CenturyTel of North Louisiana, LLC; CenturyTel of East Louisiana, LLC and CenturyTel of Southwest Louisiana, LLC.

<sup>3</sup> The Communications Act of 1934 was revised in 1996 and is now referred to as the Telecommunications Act of 1996.

CenturyTel of Evangeline, LLC and CenturyTel of Chatham, LLC each filed a Motion for Intervention Out of Time and Inclusion on Service List on March 19, 2003. On March 27, 2003, Centennial filed an Opposition to Late Intervention of CenturyTel of Evangeline, LLC and CenturyTel of Chatham, LLC.

On April 16, 2003 a status conference was held during which the parties agreed that the issues could be presented for decision to the tribunal through briefing and that a hearing was not necessary. Secondly, a procedural schedule was established that required position statements to be filed by July 18, 2003 and replies to position statements to be filed by August 1, 2003. Finally, the Motion[s] for Intervention Out of Time and Inclusion on Service List filed by CenturyTel of Evangeline, LLC and CenturyTel of Chatham, LLC were denied.

On May 16, 2003 the Applicant filed a Motion to Correct Application in which it amended its application to reflect that it is also seeking designation as an ETC in the Lake Charles Metropolitan Statistical Area ("MSA") and the Lake Charles Rural Service Area ("RSA") 7, noting that it inadvertently omitted these areas from the original application. Notice of the corrected application was published in the Commission's Official Bulletin dated May 23, 2003. Elizabeth Telephone Company, LLC and Cameron Telephone Company, LLC filed timely interventions.

In accordance with the deadlines established at the April 16, 2003 status conference, position statements and/or comments were submitted by Cameron Telephone Company; Elizabeth Telephone Company; Commission Staff; CenturyTel of East Louisiana, LLC; CenturyTel of North Louisiana, LLC; CenturyTel of Southeast Louisiana, Inc.; CenturyTel of Southwest Louisiana, Inc.; CenturyTel of Ringgold, LLC; CenturyTel of Central Louisiana; CenturyTel of Northwest Louisiana, Inc.; Small Company Committee and Centennial. Small Company Committee, Cameron Telephone Company, Elizabeth Telephone Company, and Centennial filed reply comments.

#### *ALJ's Recommendation*

The ALJ concluded that Centennial has demonstrated that it will offer the services supported by the federal universal service mechanism upon designation as an ETC. By so doing, and thus, complied with the requirement of 47 USC § 214(e)(1)(A) to "offer the services that are supported by the Federal universal service support mechanisms under 47 USC § 254(c)." The ALJ also concluded that Centennial has demonstrated that it satisfies the requirement of § 214(e)(1)(B) to advertise the availability of the supported services and the charges for those services using media of general distribution. The ALJ additionally determined that designating Centennial as an ETC in rural areas would be in the public interest. Accordingly, the ALJ recommended Centennial's application be granted, with certain conditions placed on such a grant.

#### *Commission's Original Consideration*

The ALJ's Final Recommendation regarding Centennial's application was considered by the Commission at its January 14, 2004 Business and Executive Session. Following oral argument by the parties, Commissioner Field made a motion to deny Centennial's application, stating the following reasons:

"that first of all, the state commissions, according to the Telecom Act of 1996, has a primary jurisdiction for granting ETC designations, and under Section 214(e) upon requests in consistent with the public interest, convenience, and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall in all other cases designate more than one common carrier as an ETC for a designated service area. Secondly, the ALJ's recommendation correctly notes that the Commission seeks to ensure that all Louisiana residents have access to affordable phone service. One method of achieving this goal is to encourage providers to service rural and low-income areas by offering subsidies in the form of universal service support. Thirdly, the current regulatory compact the Commission enforces with the Louisiana rural LECs acknowledges the Commission's authority to regulate the

rural LECs retail rates for essential telecom services. Therefore, any draw the rural LECs make from the Universal Service Fund must be used to further the deployment of telecom services to rural and high cost customers. Moreover, the rates charged for these telecom services are subject to Commission's jurisdiction. Furthermore, the integrity of the universal service fund is safeguarded as a result of the requirement that the rural LECs draw is based on the rural LECs cost per wire line customer. Fourthly, no regulatory compact exists with cellular providers. The Commission has no authority over the rates charged by cellular providers. If granted ETC status, Centennial would have the ability to draw from the fund without the legal obligation to reinvest in the service territory and with the freedom to price their services at whatever the market will bear. The ALJ in her final recommendation did place in a condition that restricted the manner in which funds can be expended. However, there is doubt as to whether such a condition would be enforceable. Furthermore, Centennial would base their Universal Service draw on the rural LECs cost per wire line customer, not on their own cost. Not only could this practice threaten the integrity of the Universal Service Fund, but it is against good government policy to award subsidies to entities without regard to their own cost. Fifth, in addition to these facts, Centennial has failed to demonstrate that the company needs USF support in order to continue providing services in rural Louisiana. This is a threshold issue. If the current market prices in the cellular market place provide a sufficient return for the services rendered, there's no need for USF support at this time. For these reasons I find at this particular time, given this set of facts, it is not in the public interest to approve Centennial's application for ETC designation, and I move to deny the application for these reasons."

Commissioner Field's motion was seconded by Commissioner Sittig, and unanimously adopted by the Commission. The Commission's vote resulted in the issuance of Order U-27174 on March 5, 2004, which denied Centennial's request for ETC designation as not being in the public interest. Centennial filed a timely motion with the Commission, asking that it reconsider its prior decision.

Subsequent to the Commission's consideration, two important pronouncements were released that more clearly outlined a state's authority regarding public interest determinations. First, the FCC issued its decision *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, *Memorandum Opinion and Order*, FCC 03-338 ("Virginia Cellular"), and later, the Joint Board on Universal Service issued its Proposed Recommendation, *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45 (released 2/27/04.) In order to establish specific rules to implement public interest criteria, Staff was directed to open a rulemaking docket, the result of which was the issuance of a General Order in Docket R-27841, adopted by the Commission at its May 12, 2004 Business and Executive Session.

As set forth in the General Order, a number of factors are to be considered and applied, on a case specific basis, to determine whether an application for ETC designation in a rural area is in the public interest.

#### *Commission's Reconsideration of Order U-27174*

Following its vote in Docket R-27841, the Commission, on Motion of Commissioner Field, seconded by Commissioner Blossman, and unanimously adopted, voted to reconsider Centennial's request to be designated as an ETC. Following this vote, Commissioner Field then moved to designate Centennial as an ETC for the areas it requested, subjected to the public interest factors adopted in docket R-27841, and the additional factors:

1. As a condition of receiving and maintaining ETC status, Centennial shall have the limited right to intervene in the LOS/State USF docket for the purpose of ensuring the equality of USF assessments to all TSPs.

2. All USF funds received by Centennial shall not be used for any other purpose than to provide, maintain and/or upgrade its facilities and services in the rural high-cost areas within the state of Louisiana within its FCC-designated service territory.
3. All unspent USF funds received by Centennial in the prior calendar year shall be placed into a segregated, interest bearing account.
4. Centennial's ETC designation shall be effective as of January 14, 2004, the date of the original order denying Centennial's ETC certification.
5. The LPSC shall take all action reasonably requested by Centennial to ensure that Centennial's ETC certification, and Centennial's receipt of federal high cost USF funds, is retroactive to January 1, 2004, including, without limitation, promptly filing with the FCC and USAC appropriate materials supporting Centennial in its requests for such retroactive support.
6. Centennial shall use portions of the funds it receives as a result of this designation to provide service to the originally unserved areas of Shaw and Blackhawk.

Commissioner Blossman seconded Commissioner Field's motion. Discussion was held concerning whether Centennial satisfied the public interest criteria established in Docket R-27841, whereby Staff agreed Centennial had satisfied the requirement. Following the discussion, role was taken, with Commissioners Field, Blossman, Dixon and Campbell voting yes and Commissioner Sittig voting no.

IT IS THEREFORE ORDERED THAT

1. Centennial Communication is designated as an Eligible Telecommunications Carrier for the purpose of receiving Universal Service Funds in areas served by rural telephone carriers, as set forth in its application in this docket, subject to the conditions established in Docket R-27841 and the additional conditions discussed herein.
2. This designation shall be deemed as effective as of January 14, 2004

BY ORDER OF THE COMMISSION  
BATON ROUGE, LOUISIANA

May 21, 2004

/S/ IRMA MUSE DIXON  
DISTRICT III  
CHAIRMAN IRMA MUSE DIXON

/S/ C. DALE SITTIG (DISSENTS)  
DISTRICT IV  
VICE CHAIRMAN C. DALE SITTIG

/S/ JAMES M. FIELD  
DISTRICT II  
COMMISSIONER JAMES M. FIELD

/S/ JACK "JAY" A. BLOSSMAN  
DISTRICT I  
COMMISSIONER JACK "JAY" A. BLOSSMAN

  
LAWRENCE C. ST. BLANC  
SECRETARY

/S/ FOSTER L. CAMPBELL  
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## ATTACHMENT 2



*Louisiana Public Service Commission*

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December 19, 2007

LAWRENCE C. ST. BLANC  
Secretary

(MRS.) VON M. MEADOR  
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Room TW-A306  
Washington, DC 20554

Re: Universal Service Fund – Louisiana Public Service Commission Eligible  
Telecommunications Carrier Designation of Centennial

Dear Ms. Dortch:

By Order No. U-27174-A, and effective as of January 14, 2004, the Louisiana Public Service Commission granted eligible telecommunications carrier ("ETC") status to Centennial Lafayette Communications, LLC, Centennial Beauregard Cellular LLC, Centennial Hammond Cellular LLC, Centennial Caldwell Cellular Corp., and Centennial Morehouse Cellular, LLC (collectively "Centennial"). In that Order, the LPSC approved Centennial's ETC status for the areas Centennial requested in its application, which included the Lafayette, Alexandria, and Lake Charles Metropolitan Statistical Areas ("MSA") and Rural Service Areas ("RSA") 2, 3, 4, 5, 6, and 7.

In a letter dated December 4, 2007, attached, Centennial sought clarification from the Commission regarding the areas within which it was designated as an ETC, requesting that the Commission confirm to the Federal Communications Commission and the Universal Service Administrative Company that Centennial has been granted ETC status in the rural and non-rural wire centers encompassed in the above MSAs and RSAs for the purpose of receiving federal universal service support.

Through this letter, the Commission confirms that in Order No. U-27174-A, effective as of January 14, 2004, Centennial has been designated in the rural and non-rural wire centers listed in Attachment A to the December 4, 2007 letter for the purpose of receiving federal universal service support. The Commission has subsequently, on an annual basis, recertified such ETC designation to the FCC and USAC, which certifications are on file with each respective agency.

Ms. Marlene H. Dortch  
December 19, 2007  
Page 2

If additional information is required, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence C. St. Blanc", with a long horizontal flourish extending to the right.

Lawrence C. St. Blanc  
LPSC Executive Secretary

Enclosure

cc: USAC – Ms. Irene Flannery  
[hcfilings@hcli.universalservice.org](mailto:hcfilings@hcli.universalservice.org)  
Centennial – Mr. Gordon D. Polozola

## ATTACHMENT 3



William L. Roughton, Jr.

Vice President  
Legal & Regulatory Affairs

February 4, 2007

**Hand Delivered**

Karen Majcher  
Vice President, High Cost & Low Income  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Centennial Beauregard Cellular LLC (SAC 279001)  
Centennial Caldwell Cellular Corp. (SAC 279002)  
Centennial Hammond Cellular LLC (SAC 279003)  
Centennial Morehouse Cellular LLC (SAC 279004)  
Centennial Lafayette Communications LLC (279005)

-----  
Interstate Access Support (IAS) Certifications (CC Docket 96-45)

Ms. Majcher and Ms. Dortch:

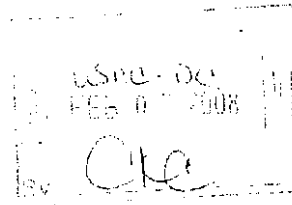
Enclosed for filing are the annual Interstate Access Support (IAS) Certifications for Louisiana.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Roughton, Jr.", is written over a horizontal line.

William L. Roughton, Jr.  
Vice President, Legal & Regulatory Affairs

Enclosures



**Interstate Access Support (IAS)**  
**2007 - 2008**

**IAS**

Date February 4, 2008

To: Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: CC Docket No. 96-45  
**Interstate Access Support - IAS**  
Annual Certification Filing

This is to certify that Centennial Lafayette Communications LLC  
will use its INTERSTATE ACCESS SUPPORT - IAS only for the provision, maintenance  
and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the  
study area listed below.

**IAS**

Company Name	State	Study Area Code
Centennial Lafayette Communications LLC	Louisiana	279005

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Signed, 

William L. Roughton, Jr.  
Vice President, Legal & Regulatory Affairs  
Centennial Communications Corp.

Date:

4 Feb 2008

Centennial Communications Corp.  
3349 Route 138, Bldg. A  
Wall, NJ 07719  
(732) 556-2200

Date Received  
(For official use only)

USAC

**Interstate Access Support (IAS)**  
**2007 - 2008**

**IAS**

Date February 4, 2008

To: Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: CC Docket No. 96-45  
**Interstate Access Support - IAS**  
Annual Certification Filing

This is to certify that Centennial Hammond Cellular Corp.  
will use its INTERSTATE ACCESS SUPPORT - IAS only for the provision, maintenance  
and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the  
study area listed below.

**IAS**

Company Name	State	Study Area Code
Centennial Hammond Cellular LLC	Louisiana	279003

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Signed,

William L. Roughton, Jr.  
William L. Roughton, Jr.  
Vice President, Legal & Regulatory Affairs  
Centennial Communications Corp.

Date:

4 Feb 2008

Centennial Communications Corp.  
3349 Route 138, Bldg. A  
Wall, NJ 07719  
(732) 556-2200

Date Received  
(For official use only)

USAC

**Interstate Access Support (IAS)**  
**2007 - 2008**

**IAS**

Date February 4, 2008

To: Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: CC Docket No. 96-45  
**Interstate Access Support - IAS**  
Annual Certification Filing

This is to certify that Centennial Caldwell Cellular Corp.  
will use its **INTERSTATE ACCESS SUPPORT - IAS** only for the provision, maintenance  
and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the  
study area listed below.

**IAS**

Company Name	State	Study Area Code
Centennial Caldwell Cellular Corp.	Louisiana	279002

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Signed, 

William L. Roughton, Jr.  
Vice President, Legal & Regulatory Affairs  
Centennial Communications Corp.

Date: 4 Feb 2008

Centennial Communications Corp.  
3349 Route 138, Bldg. A  
Wall, NJ 07719  
(732) 556-2200

Date Received  
(For official use only)

USAC



**Interstate Access Support (IAS)**  
**2007 - 2008**

**IAS**

Date February 4, 2008

To: Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: CC Docket No. 96-45  
**Interstate Access Support - IAS**  
Annual Certification Filing

This is to certify that Centennial Beauregard Cellular LLC  
will use its INTERSTATE ACCESS SUPPORT - IAS only for the provision, maintenance  
and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the  
study area listed below.

**IAS**

Company Name	State	Study Area Code
Centennial Beauregard Cellular LLC	Louisiana	279001

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Signed,



William L. Roughton, Jr.  
Vice President, Legal & Regulatory Affairs  
Centennial Communications Corp.

Date:

4 Feb 2008

Centennial Communications Corp.  
3349 Route 138, Bldg. A  
Wall, NJ 07719  
(732) 556-2200

Date Received  
(For official use only)

USAC

**Interstate Access Support (IAS)**  
**2007 - 2008**

**IAS**

Date February 4, 2008

To: Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Karen Majcher  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite 200  
Washington, DC 20036

Re: CC Docket No. 96-45  
**Interstate Access Support - IAS**  
Annual Certification Filing

This is to certify that Centennial Morehouse Cellular LLC  
will use its INTERSTATE ACCESS SUPPORT - IAS only for the provision, maintenance  
and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the  
study area listed below.

**IAS**

Company Name	State	Study Area Code
Centennial Morehouse Cellular LLC	Louisiana	279004

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Signed,



William L. Roughton, Jr.  
Vice President, Legal & Regulatory Affairs  
Centennial Communications Corp.

Date:

4 Feb 2008

Centennial Communications Corp.  
3349 Route 138, Bldg. A  
Wall, NJ 07719  
(732) 556-2200

Date Received  
(For official use only)

USAC